

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ADRIAN R. CONTRERAS  
Deputy Attorney General  
4 State Bar No. 267200  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2634  
7 Facsimile: (619) 645-2061  
E-mail: Adrian.Contreras@doj.ca.gov  
8 *Attorneys for Complainant*

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-829*

13 **KANWALJIT KAUR CHEEMA,**  
14 **AKA KANWALJIT KAUR TIWANA,**  
15 **AKA KANWALJIT KAUR CHEEMAJIT,**  
16 **AKA TIWANA KANWALJIT**  
**2001 South Littler Court**  
**La Habra, CA 90631**

**A C C U S A T I O N**

17 **Registered Nurse License No. 579216**  
18 **Nurse Anesthetist Certificate No. 3418**

19 Respondent.

20  
21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
25 Consumer Affairs.

26 2. On or about March 29, 2001, the Board of Registered Nursing issued Registered  
27 Nurse License Number 579216 to Kanwaljit Kaur Cheema, aka Kanwaljit Kaur Tiwana, aka  
28 Kanwaljit Kaur Cheemajit, aka Tiwana Kanwaljit (Respondent). The Registered Nurse License

1 was in full force and effect at all times relevant to the charges brought herein and will expire on  
2 October 31, 2014, unless renewed.

3 3. On or about October 23, 2006, the Board of Registered Nursing issued Nurse  
4 Anesthetist Certificate Number 3418 to Respondent. The Nurse Anesthetist Certificate was in  
5 full force and effect at all times relevant to the charges brought herein and will expire on October  
6 31, 2014, unless renewed.

### 7 JURISDICTION

8 4. This Accusation is brought before the Board of Registered Nursing (Board),  
9 Department of Consumer Affairs, under the authority of the following laws. All section  
10 references are to the Business and Professions Code unless otherwise indicated.

11 5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
12 that the Board may discipline any licensee, including a licensee holding a temporary or an  
13 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
14 Nursing Practice Act.

15 6. Section 2759 of the Code states:

16 "The board shall discipline the holder of any license, whose default has been entered or  
17 who has been heard by the board and found guilty, by any of the following methods:

18 "(a) Suspending judgment.

19 "(b) Placing him upon probation.

20 "(c) Suspending his right to practice nursing for a period not exceeding one year.

21 "(d) Revoking his license.

22 "(e) Taking such other action in relation to disciplining him as the board in its discretion  
23 may deem proper."

24 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
25 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
26 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
27 Code, the Board may renew an expired license at any time.

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1 establishes an independent basis for a board to impose discipline upon a licensee, and that the  
2 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not  
3 constitute a change to, but rather are declaratory of, existing law."

4 10. Section 493 of the Code states:

5 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
6 the department pursuant to law to deny an application for a license or to suspend or revoke a  
7 license or otherwise take disciplinary action against a person who holds a license, upon the  
8 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
9 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
10 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
11 and the board may inquire into the circumstances surrounding the commission of the crime in  
12 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
13 qualifications, functions, and duties of the licensee in question.

14 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
15 'registration.'"

16 11. Section 2761 of the Code states:

17 "The board may take disciplinary action against a certified or licensed nurse or deny an  
18 application for a certificate or license for any of the following:

19 "(a) Unprofessional conduct . . .

20 "...

21 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
22 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
23 conclusive evidence thereof.

24 "..."

25 12. Section 2762 of the Code states:

26 "In addition to other acts constituting unprofessional conduct within the meaning of this  
27 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
28 chapter to do any of the following:

1       "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
3 administer to another, any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
5 defined in Section 4022.

6       "...

7       "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
8 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
9 section."

10       13.       Section 2765 of the Code states:

11       "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
12 charge substantially related to the qualifications, functions and duties of a registered nurse is  
13 deemed to be a conviction within the meaning of this article. The board may order the license or  
14 certificate suspended or revoked, or may decline to issue a license or certificate, when the time  
15 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an  
16 order granting probation is made suspending the imposition of sentence, irrespective of a  
17 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person  
18 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
19 of guilty, or dismissing the accusation, information or indictment."

#### 20                                   **REGULATORY PROVISIONS**

21       14.       California Code of Regulations, title 16, section 1444, states:

22       "A conviction or act shall be considered to be substantially related to the qualifications,  
23 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
24 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
25 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

26       "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
27 subdivision (d) of Penal Code Section 11160.

28       "(b) Failure to comply with any mandatory reporting requirements.



1 18. Hydrocodone is marketed under numerous trade names, including Vicodin and  
2 Norco. Hydrocodone/APAP is a Schedule III controlled substance pursuant to Health and Safety  
3 Code section 11056, subdivision (e), and is a dangerous drug pursuant to Code section 4022.

4 19. Duramorph is the trade name for the generic medication morphine sulfate  
5 ("morphine"), which is a Schedule II controlled substance pursuant to Health and Safety Code  
6 section 11055, subdivision (b)(1)(L), and a dangerous drug pursuant to Code section 4022.

7 20. Robitussin AC is a brand name for guaifenesin with codeine syrup, which is a  
8 Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision  
9 (c)(1) and a dangerous drug pursuant to Code section 4022.

#### 10 COSTS

11 21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licentiate found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
15 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
16 included in a stipulated settlement.

#### 17 FIRST CAUSE FOR DISCIPLINE

18 (September 26, 2005, Criminal Conviction for Grand Theft on April 11, 2005)

19 22. Respondent is subject to disciplinary action under Code sections 490 and 2761,  
20 subdivision (f) in that Respondent was convicted of a crime that is substantially related to the  
21 qualifications, functions, and duties of a registered nurse and a nurse anesthetist. The  
22 circumstances are as follows:

23 23. On or about September 26, 2005, in a criminal proceeding entitled *People v. Tiwana*,  
24 in Orange County Superior Court, case number 05NM05349, Respondent was convicted on her  
25 plea of guilty of violating Penal Code sections 484-488, petty theft, a misdemeanor. A count of  
26 violating Penal Code section 487, subdivision (a), grand theft, a misdemeanor, was dismissed  
27 pursuant to a plea agreement.

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1       24. As a result of the conviction, on or about September 26, 2005, Respondent was  
2 placed on three years informal probation and ordered to complete fourteen days of community  
3 service, and pay fines and fees.

4       25. The facts that led to the conviction are that on April 11, 2005, an officer with the Brea  
5 Police Department responded to a report of a theft at a local Macy's. A Macy's loss prevention  
6 agent advised the officer that he had a female adult, later identified as Respondent, detained for  
7 theft of several items valued at \$588.87. He told the officer that he saw Respondent place the  
8 items in a bag and leave the store without paying for them. Respondent waived her Miranda  
9 rights and spoke to the officer. She admitted that, "I have no excuse for what I did. I don't have  
10 a job. My Dad is coming to visit." She admitted that she wanted to give the items she stole from  
11 Macy's to her father, who was going to travel from India a month later to visit her. The officer  
12 looked inside of her bag and found men's clothing items, a pair of women's shoes, and two Estée  
13 Lauder skin products. Respondent then told the officer that she wanted to get something for her  
14 mother, too. She admitted that she went to the mall to return an item at a different store and then  
15 decided to take the items when she went into Macy's.

16                                   **SECOND CAUSE FOR DISCIPLINE**

17                   **(Unprofessional Conduct - Unlawful Possession or Furnishing**  
18                                   **of a Controlled Substance)**

19       26. Respondent is subject to disciplinary action under section 2762, subdivision (a) of the  
20 Code in that she unlawfully obtained, possessed, or furnished to another the controlled substances  
21 or dangerous drugs hydrocodone/APAP, Robitussin AC, fentanyl, and morphine. The  
22 circumstances are as follows:

23       27. In 2010, Respondent worked as a certified registered nurse anesthetist at Mee  
24 Memorial Hospital in King City, California. The hospital filed a complaint with the Board  
25 alleging that Respondent had submitted fraudulent prescriptions to a local Rite Aid Pharmacy.  
26 The prescription was for hydrocodone/APAP and Robitussin AC and was on the hospital's pre-  
27 printed prescription pad. The pharmacist contacted the hospital to ascertain whether the  
28 prescription was valid, and the doctor whose name appeared on the prescription denied



1 authorizing or signing the prescription. The complaint also involved a second  
2 hydrocodone/APAP prescription written for a patient, Satinder C., which was allegedly  
3 prescribed by a pediatrician who worked at the hospital.

4 28. The Board interviewed Respondent about the complaint. Respondent admitted to  
5 forging the first prescription for hydrocodone/APAP and Robitussin AC. She admitted that she  
6 was also responsible for the other fraudulent hydrocodone/APAP prescription for Satinder C.,  
7 who Respondent admitted was her mother. She explained that she presented the fraudulent  
8 prescriptions to obtain the controlled substances and provide them to a friend who did not have  
9 health insurance.

10 29. The hospital conducted an audit of medications that Respondent handled during her  
11 employment at the hospital. There were three patients' records that were identified in the audit as  
12 having medication discrepancies. For the first patient, Respondent admitted that she neglected to  
13 document the administration or waste of 9.8 mg of morphine that she removed for the patient.  
14 For the second patient, she admitted that she failed to document the administration or waste of  
15 100 mcg of fentanyl that she removed for the patient. For the third patient, she admitted that she  
16 failed to document 9.75 mg of morphine that she had removed for the patient.

### 17 **THIRD CAUSE FOR DISCIPLINE**

#### 18 **(Unprofessional Conduct-Falsification or Incorrect and/or Inconsistent Entry** 19 **in a Record Pertaining to Controlled Substances)**

20 30. Respondent is subject to disciplinary action under section 2762, subdivision (e) in  
21 that she falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in  
22 hospital records pertaining to the controlled substance or dangerous drugs hydrocodone/APAP,  
23 Robitussin AC, fentanyl, and morphine. The circumstances are set forth in paragraphs 27-29,  
24 above, and are incorporated herein by reference.

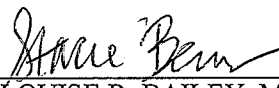
### 25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:

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- 1           1.     Revoking or suspending Registered Nurse License Number 579216, issued to  
2 Kanwaljit Kaur Cheema, aka Kanwaljit Kaur Tiwana, aka Kanwaljit Kaur Cheemajit, aka Tiwana  
3 Kanwaljit;  
4           2.     Revoking or suspending Nurse Anesthetist Certificate Number 3418, issued to  
5 Kanwaljit Kaur Cheema, aka Kanwaljit Kaur Tiwana, aka Kanwaljit Kaur Cheemajit, aka Tiwana  
6 Kanwaljit;  
7           3.     Ordering Kanwaljit Kaur Cheema to pay the Board of Registered Nursing the  
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
9 Professions Code section 125.3; and  
10          4.     Taking such other and further action as deemed necessary and proper.

11 DATED: March 27, 2013

12   
13 *for* LOUISE R. BAILEY, M.ED., RN  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant

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